

JORGE GEVARA,

Plaintiff,

v.

BOYD BENNETT, et al.,

Defendants.

In *Anderson v. XYZ Correctional Health Servs. Inc.*, 407 F.3d 674 (4th Cir. 2005), the United

States Court of Appeals for the Fourth Circuit held that the PLRA's exhaustion requirement does not impose a heightened pleading requirement on an inmate. Id. at 683. The Fourth Circuit, however, held that a court could sua sponte dismiss a complaint for failure to exhaust if it has given the plaintiff an opportunity to address the issue. Id. at 682-83. Consequently, this Court will give Plaintiff fifteen days in which to explain why his Complaint should not be considered unexhausted and to file documents establishing that each of his numerous claims were fully exhausted prior to the filing of his Complaint.

IT IS THEREFORE ORDERED THAT Plaintiff has fifteen days from the filing of this Order in which to explain why his claims should not be considered unexhausted and to file documents demonstrating that each of his claims are exhausted. Plaintiff is advised that failure to fully respond to this Order will result in the dismissal of his Complaint.

Signed: August 9, 2010

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

